

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHOON'S DESIGN INC.,

Plaintiff,

Case No. 14-10848

Honorable Victoria A. Roberts

v.

TRISTAR PRODUCTS, INC.,

Defendant.

**ORDER: (1) REOPENING CASE; (2) LIFTING
STAY; (3) DISMISSING PLAINTIFF'S CLAIMS
FOR INFRINGEMENT OF THE '565 PATENT; and
(4) SETTING SUMMARY JUDGMENT BRIEFING SCHEDULE**

On July 13, 2018, the Court entered an order staying this case and administratively closing it pending the Federal Circuit appeal in a parallel infringement action, *Choon's Design, LLC v. Idea Village Prod. Corp.*, No. 13-13568 (E.D. Mich.) (Michelson, J.).

On August 14, 2019, the parties filed a Joint Notice informing the Court that the Federal Circuit issued a final decision in *Idea Village* – see *Choon's Design, LLC v. Idea Vill. Prod. Corp.*, 776 Fed. Appx. 691 (Fed. Cir. 2019). They ask the Court to reopen the case and lift the stay.

The parties also informed the Court that the Federal Circuit's decision in *Idea Village* forecloses Plaintiff's claims based on its '565 patent.

Finally, Defendant says that the *Idea Village* decision and other recent Federal Circuit authority entitles it to summary judgment on Plaintiff's remaining claims under the '420 and '441 patents. It requests to file a second summary judgment motion.

The Court: (1) **REOPENS** this case; (2) **LIFTS** the stay; (3) **DISMISSES** Plaintiff's remaining claims for infringement of the '565 patent; and (4) **GRANTS** Defendant's request to file a second summary judgment motion regarding the '420 and '441 patents.

Defendant must file its motion by **December 16, 2019**. Plaintiff's response is due **January 23, 2020**. Defendant's reply is due **February 6, 2020**. The motion and briefs must comply with the Local Rules and this Court's practice guidelines and requirements for filing summary judgment motions [see ECF No. 84, PageID. 3154-55, 3157]. The parties must stay within the page limits for briefs set forth in the Local Rules. The Court will not grant any request for excess pages.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: November 12, 2019